

★ JUL 12 2013 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DRAMANE FOFANA, #453546,

Plaintiff,

-against-

SUFFOLK COUNTY CORRECTIONAL FACILITY,

Defendant.
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FEUERSTEIN, District Judge:

ORDER

13-CV-00443(SJF)(ETB)

I. Introduction

On January 23, 2013, incarcerated *pro se* plaintiff Dramane Fofana ("plaintiff") filed a civil rights complaint in this Court pursuant to 42 U.S.C. § 1983 ("Section 1983") against defendant, the Suffolk County Correctional Facility ("SCCF"), accompanied by an application to proceed *in forma pauperis*. By order dated May 20, 2013, plaintiff's application for leave to proceed *in forma pauperis* was granted; the complaint was *sua sponte* dismissed pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2) for failure to state a claim for relief, with leave to file an amended complaint on or before June 24, 2013; and plaintiff was advised that his failure to file an amended complaint on or before June 24, 2013 would result in the complaint being deemed dismissed in its entirety with prejudice and judgment being entered in favor of defendant. Since plaintiff did not file an amended complaint in accordance with the May 20, 2013 order, nor seek an extension of time to do so, the complaint is hereby dismissed with prejudice. The Clerk of the Court shall enter judgment in favor of defendant, close this case and, pursuant to Rule 77(d)(1) of the Federal Rules of Civil Procedure, serve notice of entry of this order upon all parties, including mailing a copy of this order to plaintiff at his last known address in accordance with

Rule 5(b)(2)(C) of the Federal Rules of Civil Procedure.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: July 12, 2013
Central Islip, New York